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| 10/824,439 | 04/15/2004 | Tetsuya Sawano | 0649-0955P | 6298 |

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| EXAMINER | |
|---|---|
| HERRERA, DIEGO D | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2617 | |

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| 09/27/2007 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/824,439 | SAWANO, TETSUYA | |
| | Examiner | Art Unit | |
| | Diego Herrera | 2617 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *26 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 6/26/2007 have been fully considered but they are not persuasive.

In response to applicant's arguments concerning claims 1-21, wherein an image processor unit that receives and transmit, reads on the references stated on the office action.

Wilcock et al. and Ogaki et al. teaches associating image and location data and positioning information transmitting device and positioning information transmitting/receiving system, wherein the mobile receive information from satellite and base station, hence, the ability to transmit and receive. Data sent with location of where the image was processed is taught by Wilcock, there is no reason for this device not to be able to do the same functions as claim by the applicant since these claims are oriented towards an apparatus claim, the reference meet the limitations of the claims.

Regarding the claims 1-21, the features are shown via the primary and secondary references cited in the action, where Wilcock et al. and Ogaki et al. show motivations and can be used because they are in the same field and teaching nearly identical systems for a image processor.

Therefore, the argued features are written broad such that they read upon the cited references or are claiming the same limitations as the cited references.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al. (US 6741864B2), and in view of Ogaki et al. (US 7065370B2).

Regarding claim 1. Wilcock et al. discloses an image processing server (fig. 9, 11-12; col. 9 lines: 45-56, Wilcock et al. teaches server uniting information to image), comprising: a communication unit that receives image data from a mobile communication device, the image, data having been sensed by the mobile communication device (fig. 11, col. 10 lines: 11-29, Wilcock et al. teaches image being uploaded to mobile from camera then receiving information about location related to image and coordinates); a specifier that specifies a position of the mobile communication device based on Global positioning system (GPS)

information relating to a satellite representing a communication region where the image data was sensed by the mobile communication device (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4); and However, Wilcock et al. does not discloses specifically about mobile device receiving information about location related to base station, nonetheless, Ogaki et al. teaches about mobile device receiving information about location related to base station (col. 1 lines: 15-22, col. 4 lines: 6-14; Ogaki et al. teaches receiving information about the distance or position of mobile in current area).
Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include about mobile device receiving information about location related to base station, as taught by for the purposes of location information.
an adder that adds first position information indicative of the specified position to the image data as attribute information of the image data (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4).

Regarding claim 5. Wilcock et al. discloses an image processing server (fig. 9, 11-12; col. 9 lines: 45-56, Wilcock et al. teaches server uniting information to image), comprising:
a communication unit that receives image data and first global positioning system (GPS) position information, the image data have been sensed by a mobile

communication device (fig. 11, col. 10 lines: 11-29, Wilcock et al. teaches image being uploaded to mobile from camera then receiving information about location related to image and coordinates); and the first GPS position information relating to a base station representing a communication region where the image data was sensed by the mobile communication device (col. 1 lines: 15-22, col. 4 lines: 6-14; Ogaki et al. teaches receiving information about the distance or position of mobile in current area); and

an adder that adds second position information; indicative of a position where the image sensor in the mobile communication device sensed the image data, to the image data sensed by the image sensor as attribute information of the image data based on the first position information (fig. 4, 5 col. 4 lines: 38-- col. 5 lines:25, Wilcock et al., teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4).

Regarding claim 12. An image processing server (fig. 9, 11-12; col. 9 lines: 45-56, Wilcock et al. teaches server uniting information to image), comprising:

means for receiving image data from a mobile communication device the image data having, been sensed by, the mobile communication device (fig. 11, col. 10 lines: 11-29, Wilcock et al. teaches image being uploaded to mobile from camera then receiving information about location related to image and coordinates);

However, Wilcock et al. does not discloses specifically about mobile device receiving information about location related to base station, nonetheless, Ogaki et al. teaches about mobile device receiving information about location

related to base station (col. 1 lines: 15-22, col. 4 lines: 6-14; Ogaki et al. teaches receiving information about the distance or position of mobile in current area). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include about mobile device receiving information about location related to base station, as taught by for the purposes of location information means for adding first position information indicative of the specified position to the image data as attribute information of the image data (fig. 4, 5 col. 4 lines: 38--co1.5 lines:25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig..4).

Regarding claim 16. An image processing server, comprising: means for receiving image data and first Global positioning system (GPS) position information, the image data having been sensed by a mobile communication device (fig. 11, col. 10 lines: 11- 29; Wilcock et al. teaches image being uploaded to mobile from camera then receiving information about location related to image and coordinates); and the first GPs position information relating to a base station representing a communication region where the image data was sensed by the mobile communication device (col. 1 lines: 15-22, col. 4 lines: 6-14; Ogaki et al. teaches receiving information about the distance or position of mobile in current area) and means for adding second position information, indicative of a position where an image sensor in the mobile communication device sensed the image data, to the image data sensed by the image sensor as attribute information of

the image data based on the first position information (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4).

Regarding claim 21. A method of providing location information to image date, the location information indicative of the location where the image data was sensed (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4), comprising: receiving a message from a mobile communication device, the message including image data sensed by the mobile communication device (fig. 11, col. 10 lines: 11-29, Wilcock et al. teaches image being uploaded to mobile from camera then receiving information about location related to image and coordinates);

However, Wilcock et al. does not discloses specifically about mobile device receiving information about location related to base station, nonetheless, Ogaki et al. teaches about mobile device receiving information about location related to base station (col. 1 lines: 15-22, col. 4 lines: 6-14; Ogaki et al. teaches receiving information about the distance or position of mobile in current area).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include about mobile device receiving information about location related to base station, as taught by for the purposes of location information; acquiring location information associated with the specified base station; and adding the acquired location information to the

received image data information, as attribute information (fig. 4, 5 col. 4 lines: 38mco1.5 lines:25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4).

Consider claim 2. The combination of Wilcock et al. and Ogaki et al. discloses the image processing server of claim 1, further, comprising: a database that stores global positioning system (GPS) information for a plurality of base stations (fig. 10.qaki, fig. 1 Wilcock): wherein the specifier specifies the position of the mobile communication device based on base station related information, the base station being used in transmitting the image data and the database storing the GPS information in association with the base station related information (fig. 3-5, 11-12, 17; col. 8 lines: 39-51, col. 10 lines: 11-30, Wilcock et al. teaches system receiving information from mobile to service system storing information such as GPS location data).

Consider claim 3. (Original) The image processing server of claim 1, The combination of Wilcock et al. and Ogaki et al. discloses wherein the first position information includes at least one of global positioning system (GPS) information, address information and a place name (fig. 3-5, 11-12, 17; col. 8 lines: 39-51, col. 10 lines: 11-30, Wilcock et al. teaches system receiving information from mobile to service system storing information such as GPS location data).

Consider claim 4. (Currently Amended) The image processing server of claim 2, The combination of Wilcock et al. and Ogaki et al. discloses wherein the base station related information includes a base station number of the base station (col. 10 lines: 45-67, Wilcock et al. teaches information from location server or GPS information).

Consider claim 6. (Currently Amended) The image processing server of claim 5, The combination of Wilcock et al. and Ogaki et al. discloses wherein the first position information includes at least one of global positioning system (GPS) information, address information and a place name (col. 8 lines: 39-51, col. 10 lines: 11-30, Wilcock et al. teaches system receiving information from mobile to service system storing information such as GPS location data).

Consider claim 7. The image processing server of claim 5, The combination of Wilcock et al. and Ogaki et al. discloses wherein the second position information includes at least one of a base station number and a place name, obtained from a base station (fig. 3-5, col. 8 lines: 39-51, col. 10 lines: 11- 30, Wilcock et al. teaches system receiving information from mobile to service system storing information such as GPS location data).

Consider claim 8. The image processing server of claim 1, The combination of Wilcock et al. and Ogaki et al. discloses wherein the adder adds the first position information to an exchangeable information file (Exif) tag of the image data (fig.

4, 5 col. 4 lines: 38--co1.5 lines: 25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4).

Consider claim 9. The image processing server of claim 5, The combination of Wilcock et al. and Ogaki et al. discloses wherein the adder adds the second position information to an exchangeable information file (Exit) tag of the image data (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4).

Consider claim 10. The image processing server of claim 8, The combination of Wilcock et al. and Ogaki et al. discloses further comprising: an adder that adds the Exif tag to the image data if the image data received from the mobile communication device does not include an Exif tag (fig. 3, 4, col. 4 lines: 10-33, Wilcock et al. teaches user is able to add label or information not provided originally).

Consider claim 11. The image processing server of claim 9, The combination of Wilcock et al. and Ogaki et al. discloses further comprising: an adder that adds the Exif tag to the image data if the image data received from the mobile communication device does not include an Exif tag (fig. 3, 4, col. 4 lines: 10-33, Wilcock et al. teaches user is able to add label or information not provided

originally).

Consider claim 13. The image processing server of claim 12, The combination of Wilcock et al. and Ogaki et al. discloses further comprising: a database for storing global positioning system (GPS) information for a plurality of base stations (col. 8 lines: 39-51, col. 10 lines: 11-30, Wilcock et al. teaches system receiving information from mobile to service system storing information such as GPS location data); and wherein the means for specifying specifies the position of the mobile communication device based on the base station related information (col. 1 lines: 15-22, col. 4 lines: 6-14; Ogaki et al. teaches receiving information about the distance or position of mobile in current area), the base station being used in transmitting the image data and the database storing the GPS information ~~associated~~ in association with the base station related information (col. 8 lines: 39-51, col. 10 lines: 11-30, Wilcock et al. teaches system receiving information from mobile to service system storing information such as GPS location data).

Consider claim 14. The image processing server of claim 12, The combination of Wilcock et al. and Ogaki et al. discloses wherein the first position information includes at least one of global positioning system (GPS) information, address information and a place name (col. 10 lines: 45-67, Wilcock et al. teaches information from location server or GPS information).

Consider claim 15. The image processing server of claim 12, The combination of Wilcock et al. and Ogaki et al. discloses wherein the ~~second~~ position-base station related information includes a base station number of the base station (col. 1 lines: 15-22, col. 4 lines: 6-14; Ogaki et al. teaches receiving information about the distance or position of mobile in current area)..

Consider claim 17.The image processing server of claim 16, The combination of Wilcock et al. and Ogaki et al. discloses wherein the second position information includes at least one of global positioning system (GPS) information, address information and a place name (col. 10 lines: 45-67, Wilcock et al. teaches information from location server or GPS information).

Consider claim 18. The image processing server of claim 16, The combination of Wilcock et al. and Ogaki et al. discloses wherein the first position information includes at least one of a base station number and a place name, obtained from a base station (col. 1 lines: 15-22, col. 4 lines: 6-14; Ogaki et al. teaches receiving information about the distance or position of mobile in current area).

Consider claim 19. (Original) The image processing server of claim 12, The combination of Wilcock et al. and Ogaki et al. discloses wherein the means for adding adds the first position information to an exchangeable information file (Exif) tag of the image data (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et

al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4).

Consider claim 20. (Currently Amended) The image processing server of claim 16, The combination of Wilcock et al. and Ogaki et al. discloses wherein the means for adding adds the second position information to an exchangeable information file (Exif) tag of the image data (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diego Herrera whose telephone number is (571) 272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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